

JC943 U.S. PTO  
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PTO/SB/05 (08-00)

Applies for use through 10/31/2002. OMB 0651-0032  
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Please type a plus sign (+) inside this box → +

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# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1.  Fee Transmittal Form (e.g., PTO/SB/17)  
*(Submit an original and a duplicate for fee processing)*
2.  Applicant claims small entity status.  
See 37 CFR 1.27.
3.  Specification [Total Pages **41**]  
*(preferred arrangement set forth below)*
  - Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (*if filed*)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4.  Drawing(s) (35 U.S.C. 113) [ Total Sheets **4** ]
5. Oath or Declaration [ Total Pages **4** ]
  - a.  Newly executed (original or copy)
  - b.  Copy from a prior application (37 CFR 1.63 (d))  
*(for continuation/divisional with Box 17 completed)*
    - i.  **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6.  Application Data Sheet. See 37 CFR 1.76

17. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

 Continuation     Divisional     Continuation-in-part (CIP)of prior application No.: **09 / 433,486**

Prior application information:

Examiner, Webman, E.Group / Art Unit: **1617**For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 18. CORRESPONDENCE ADDRESS

Customer Number or Bar Code Label  or  Correspondence address below

Name	Patrea L. Pabst Arnall Golden & Gregory, LLP			
Address	2800 One Atlantic Center 1201 West Peachtree Street			
City	Atlanta	State	GA	Zip Code
Country	United States	Telephone	(404) 873-8794	Fax

Name (Print/Type)	Kevin W. King	Registration No. (Attorney/Agent)	42,737
Signature			Date Nov. 3, 2000

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

ACU 109 DIV(2) 20435/42

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# FEE TRANSMITTAL for FY 2000

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$355.00)

Complete if Known	
Application Number	Divisional of 09/433,486
Filing Date	November 3, 2000
First Named Inventor	Julie Straub
Examiner Name	
Group Art Unit	
Attorney Docket No.	ACU 109 DIV(2)

## METHOD OF PAYMENT (check one)

1.  The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number 01-2507

Deposit Account Name Arnall Golden &amp; Gregory

 Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17 Applicant claims small entity status. See 37 CFR 1.27

2.  Payment Enclosed:

 Check  Credit card  Money Order  Other

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
101	710	201 355 Utility filing fee	355.00
106	320	206 160 Design filing fee	
107	490	207 245 Plant filing fee	
108	710	208 355 Reissue filing fee	
114	150	214 75 Provisional filing fee	

SUBTOTAL (1) (\$ 355.00)

## 2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
13	-20** = 0	x _____	= _____
Independent Claims	1	- 3** = 0	x _____ = _____
Multiple Dependent			= _____

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description
103	18	203 9 Claims in excess of 20
102	80	202 40 Independent claims in excess of 3
104	270	204 135 Multiple dependent claim, if not paid
109	80	209 40 ** Reissue independent claims over original patent
110	18	210 9 ** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ 0)

## 3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105	130	205 65 Surcharge - late filing fee or oath	
127	50	227 25 Surcharge - late provisional filing fee or cover sheet	
139	130	139 130 Non-English specification	
147	2,520	147 2,520 For filing a request for ex parte reexamination	
112	920*	112 920* Requesting publication of SIR prior to Examiner action	
113	1,840*	113 1,840* Requesting publication of SIR after Examiner action	
115	110	215 55 Extension for reply within first month	
116	390	216 195 Extension for reply within second month	
117	890	217 445 Extension for reply within third month	
118	1,390	218 695 Extension for reply within fourth month	
128	1,890	228 945 Extension for reply within fifth month	
119	310	219 155 Notice of Appeal	
120	310	220 155 Filing a brief in support of an appeal	
121	270	221 135 Request for oral hearing	
138	1,510	138 1,510 Petition to institute a public use proceeding	
140	110	240 55 Petition to revive - unavoidable	
141	1,240	241 620 Petition to revive - unintentional	
142	1,240	242 620 Utility issue fee (or reissue)	
143	440	243 220 Design issue fee	
144	600	244 300 Plant issue fee	
122	130	122 130 Petitions to the Commissioner	
123	50	123 50 Petitions related to provisional applications	
126	240	126 240 Submission of Information Disclosure Stmt	
581	40	581 40 Recording each patent assignment per property (times number of properties)	
146	710	246 355 Filing a submission after final rejection (37 CFR § 1.129(a))	
149	710	249 355 For each additional invention to be examined (37 CFR § 1.129(b))	
179	710	279 355 Request for Continued Examination (RCE)	
169	900	169 900 Request for expedited examination of a design application	

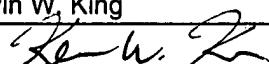
Other fee (specify) \_\_\_\_\_

\* Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

## SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Kevin W. King	Registration No. (Attorney/Agent)	42,737	Telephone	(404) 873-8596
Signature				Date	Nov. 3, 2000

WARNING: Information in this form may become public. Credit card information should not be included in this form. Provide credit card information and authorization on PTO-2038.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

JC860 U.S. PTO  
09/706045  
11/03/00

Applicants: Julie Straub, Howard Bernstein, Donald E. Chickering, III, Sarwat Khattak, and Greg Randall

Serial No.: Divisional of U.S.S.N. 09/433,486 Express Mail Label No.  
EL 690 662 580 US

Filed: November 3, 2000 Date of Deposit:  
November 3, 2000

For: POROUS DRUG MATRICES AND METHODS OF MANUFACTURE  
THEREOF

Box Patent Application  
Assistant Commissioner for Patents  
Washington, D.C. 20231

**REQUEST FOR FILING A DIVISIONAL APPLICATION  
UNDER 37 C.F.R. § 1.53(b)**

Sir:

Pursuant to 35 U.S.C. § 21(a), as amended by Public Law 97-247, and 37 C.F.R. §§ 1.10 and 1.53(b), applicants enclose for filing the new divisional patent application entitled "*Porous Drug Matrices and Methods of Manufacture Thereof*" by Julie Straub, Howard Bernstein, Donald E. Chickering, III, Sarwat Khattak, and Greg Randall, which is a divisional of pending prior application U.S. Serial No. 09/433,486 filed November 14, 1999, which claims the benefit of U.S. provisional application Serial No. 60/136,323 filed May 27, 1999, and U.S. provisional application Serial No. 60/158,659 filed October 8, 1999. The application includes 1 page of abstract, 35 pages of specification, 5 pages of claims, 4 sheets of formal drawings, and a copy of the executed Declaration from prior application U.S. Serial No. 09/433,486.

Divisional of U.S.S.N.: 09/433,486  
"Porous Drug Matrices and Methods for Manufacture Thereof"  
By: Julie Straub, Howard Bernstein, Donald E. Chickering, III,  
Sarwat Khattak, and Greg Randall  
Express Mail Label No.: EL 690 662 580 US  
Date of Deposit: November 3, 2000  
**REQUEST FOR FILING A DIVISIONAL  
APPLICATION UNDER 37 C.F.R. § 1.53(b)**

A Preliminary Amendment and an Information Disclosure Statement are enclosed.

Also enclosed from prior application U.S.S.N. 09/433,486 are copies of the (1) executed Statement Under 37 C.F.R. § 3.73(b) by Acusphere, Inc.; and (2) Assignment from Julie Straub, Howard Bernstein, Donald E. Chickering, III, Sarwat Khattak, and Greg Randall to Acusphere, Inc., recorded on December 27, 1999, at Reel 010511, Frame 0411.

This divisional application is being filed in response to a Restriction Requirement made in prior application U.S. Serial No. 09/433,486, to prosecute non-elected claims. Please preliminarily amend the application in accordance with the Preliminary Amendment.

Submitted with the new application are a (1) check in the amount of \$355.00 to cover the filing fee for a small entity; (2) Fee Transmittal (PTO/SB/17); and (3) Utility Patent Application Transmittal (PTO/SB/45).

This application is entitled to small entity status pursuant to 37 C.F.R. § 1.27. It is believed that \$355.00 is the proper filing fee for a small entity, as the application includes one independent claim and a total of thirteen claims after entry of the enclosed Preliminary Amendment. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 01-2507. To facilitate this process, applicants have enclosed a duplicate of this letter.

Pursuant to 37 C.F.R. § 1.63(d), the copy of the executed Declaration included in the new application is a copy of the executed Declaration filed in parent application Serial

Divisional of U.S.S.N.: 09/433,486  
"Porous Drug Matrices and Methods for Manufacture Thereof"  
By: Julie Straub, Howard Bernstein, Donald E. Chickering, III,  
Sarwat Khattak, and Greg Randall  
Express Mail Label No.: EL 690 662 580 US  
Date of Deposit: November 3, 2000  
**REQUEST FOR FILING A DIVISIONAL  
APPLICATION UNDER 37 C.F.R. § 1.53(b)**

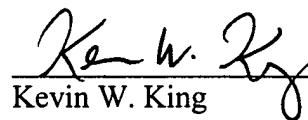
No. 09/433,486, to which the new application claims benefit. The power of attorney in the prior application is to Patrea L. Pabst, Registration No. 31,284. The inventorship for the claims in the new application is the same as in parent application Serial No. 09/433,486.

This application is being filed on November 3, 2000, by mailing the application to the Box Patent Application, Assistant Commissioner of Patents, Washington, D.C. 20231 via the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 C.F.R. § 1.10. The Express Mail Label Number appears in the heading of this paper which is attached to the application papers pursuant to 37 C.F.R. § 1.10(b).

All correspondence concerning this application should be mailed to:

Patrea L. Pabst, Esq.  
ARNALL GOLDEN & GREGORY, LLP  
2800 One Atlantic Center  
1201 West Peachtree Street  
Atlanta, GA 30309-3450

Respectfully submitted,

  
\_\_\_\_\_  
Kevin W. King  
Reg. No. 42,737

Date: November 3, 2000  
ARNALL, GOLDEN & GREGORY, LLP  
2800 One Atlantic Center  
1201 West Peachtree Street  
Atlanta, Georgia 30309-3450  
(404) 873-8596  
(404) 873-8597 (fax)

Divisional of U.S.S.N.: 09/433,486  
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**REQUEST FOR FILING A DIVISIONAL  
APPLICATION UNDER 37 C.F.R. § 1.53(b)**

**CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.10**

I hereby certify that this paper and any documents referred to as attached or enclosed are being deposited with the United States Postal Service on this date, November 3, 2000, in an envelope as "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10, Mailing Label Number EL 690 662 580 US addressed to Box Patent Application, Assistant Commissioner for Patents, Washington, D.C. 20231.

Chandra Russell  
Chandra Russell

Date: November 3, 2000